



**Town of Surfside
Town Commission Meeting
July 15, 2009 7:00 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Fl
Surfside, FL 33154

MINUTES

The Town of Surfside Town Commission met Tuesday, July 15, 2009 at 7 p.m. in Regular Session in the Commission Chambers at Town Hall at 9293 Harding Avenue in Surfside.

1. Opening

A. Call to Order

The meeting was called to order at 7:04 p.m.

B. Roll Call of Members

Town Clerk, Debra Eastman called the roll and the following were present: Commissioner Elizabeth Calderon, Commissioner Steven Levine, Commissioner Howard Weinberg, Vice Mayor Marc Imberman and Mayor Charles Burkett.

C. Pledge of Allegiance

David Allen, Chief of Police, led the Pledge of Allegiance.

D. Agenda and Order of Business

Town Attorney, Lynn Dannheisser requested that item 3C be removed from the consent agenda to 5B, deferred 4B Boat Storage and asked that items 4 A and 4B be heard first on the agenda.

Mayor Charles Burkett added the Gazette and Tourist Bureau to the end of the agenda.

Commissioner Steven Levine added 75th Anniversary Committee to Unfinished Business.

A motion was made by Commissioner Elizabeth Calderon to accept the agenda. The motion received a second from Commissioner Steven Levine. All were in favor.

E. Special Presentations

Rebecca Shionis Day, 2009 Exemplary Student – Mayor Burkett, Vice Mayor Imberman

Vice Mayor Marc Imberman recognized Rebecca Shionis and honored her with a certificate.

Recognition of Legal Interns – Mayor Burkett, Lynn Dannheisser, Town Attorney

Town Attorney, Lynn Dannheisser recognized Sheila Cherfilus, Law Clerk and Philip Koenig, Legal Intern for their work in the Office of Town Attorney for the last several weeks.

Police Chief, David Allen recognized Sergeant Rory Alberto for his outstanding performance.

2. Quasi-Judicial Hearings

3. Consent Agenda

All items on the consent agenda are considered routine by the Town Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event, the item will be moved to the main agenda under the appropriate heading for consideration.

Recommended Motion: To approve all consent agenda items as presented below.

A. Approval of the Minutes

1. May 12, 2009 Regular Commission Meeting
2. June 9, 2009 Regular Commission Meeting
3. May 19, 2009 Special Commission Meeting

Vice Mayor Marc Imberman made a motion to approve the minutes. The motion received a second from Commissioner Steven Levine. Mayor Charles Burkett called for the vote and all were in favor.

B. Monthly Budget to Actual Summary - Martin Sherwood

C. Preliminary Certification of Election Results –

Gary Word, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA PRELIMINARILY CERTIFYING AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON JULY 14, 2009 TO VOTE ON THE GENERAL OBLIGATION BONDS FOR THE COMMUNITY CENTER, AQUATIC FACILITY AND LIBRARY COMPLEX PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Imberman made a motion to adopt the resolution. The motion received a second from Commissioner Steven Levine. Town Attorney, Lynn Dannheisser explained the reason for the resolution. Mayor Charles Burkett called for the vote and all were in favor.

4. Ordinances and Public Hearings

A. Second Readings (Ordinances)

1. Property Maintenance Standards Ordinance

-Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE III PROPERTY MAINTENANCE STANDARDS SECTION 14-51 TO SECTION 14-53; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR

SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman, read the title of the ordinance. Richard Iacobacci suggested a volunteer program for those who may need assistance. Vice Mayor Marc Imberman made a motion to adopt the ordinance. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and all were in favor.

2. Portable Storage Units – Lynn Dannheisser, Town Attorney

Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90.53 OF THE ZONING CODE OF THE TOWN OF SURFSIDE RELATING TO PORTABLE STORAGE UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman, read the title of the ordinance.

Commissioner Steven Levine made a motion to adopt the ordinance.

The motion received a second from Commissioner Elizabeth Calderon.

Town Clerk, Debra Eastman called the roll and all were in favor.

3. Fences, Walls and Hedges – Lynn Dannheisser, Town Attorney

Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; ARTICLE V “DESIGN STANDARDS”; SECTION 90.2 “DEFINITIONS” AND SECTION 90-56 “FENCES, WALLS AND HEDGES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman, read the title of the ordinance. Karen Friedman explained the ordinance. Commissioner Elizabeth Calderon made a motion to adopt the ordinance. The motion received a second from Commissioner Steven Levine. Town Clerk, Debra Eastman called the roll and all were in favor.

B. First Readings (Public Hearings on Ordinances)

1. Boat Storage – Lynn Dannheisser, Town Attorney

Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN CODE BY AMENDING CHAPTER 90 BY AMENDING SECTIONS 90.65 RELATING TO BOATING STORAGE; PROVIDING FOR “SEVERABILITY”; PROVIDING

FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was deferred.

2. Nuisance Abatement Ordinance – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 1-8 “PENALTY FOR VIOLATIONS” AND SECTION 15-17 “ADDITIONAL ENFORCEMENT POWERS” AND SECTION 15-18 “VIOLATIONS; SCHEDULE OF CIVIL PENALTIES AND CREATING” SECTION 15-19 “ABATEMENT BY THE TOWN; RECOVERY OF COSTS AND EXPENSES; IMPOSITION OF LIENS” OF CHAPTER 15 OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR NUISANCE ABATEMENT PROCEDURES AND REMEDIES IN VARIOUS CODE SECTIONS AUTHORIZING THE TOWN TO RECOVER ITS COSTS AND FILE A LIEN FOR SUCH NUISANCE ABATEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman, read the title of the ordinance. Town Attorney, Lynn Dannheisser explained this does not create any new action by the Town. Commissioner Elizabeth Calderon made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Steven Levine. Town Clerk, Debra Eastman called the roll and all were in favor.

3. Flood Plain Map – Steve Uman, Building Official
AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 42, “FLOODS,” ARTICLE 3, “GENERAL PROVISIONS,” SECTION B, “BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD;” PROVIDING FOR SEVERABILITY AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. Building Official, Steve Uman explained the update of the flood insurance rate maps. Commissioner Steven Levine made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and all were in favor.

5. Resolutions and Proclamations

A. Carlisle on the Ocean Agreement – Gary Word, Town Manager
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER AND TOWN

ATTORNEY TO EXECUTE A SETTLEMENT AGREEMENT WITH CARLISLE ON THE OCEAN CONDOMINIUM ASSOCIATION, INC.; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. Town Manager, Gary Word explained the terms of the agreement. Commissioner Howard Weinberg made a motion to approve the resolution. The motion received a second from Commissioner Steven Levine. Mayor Charles Burkett called for the vote and all were in favor.

**B. Adoption of Millage –Martin Sherwood, Director of Finance
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DETERMINING A PROPOSED OPERATING AND DEBT SERVICE MILLAGE RATE, DETERMINING THE CURRENT YEAR ROLLED-BACK RATE; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk, Debra Eastman read the title of the resolution. Finance Director, Martin Sherwood explained the proposed millage and need to report to County Property Appraiser. Vice Mayor Marc Imberman made a motion to retain the millage rate from last year of 4.7332 and let the Town Manager figure out the details. The motion received a second from Commissioner Elizabeth Calderon. Town Manager, Gary Word explained the dollar impact on the budget. Town Clerk, Debra Eastman called the roll and all were in favor.

**C. Building Better Communities Interlocal Agreement –
Fernando Rodriguez, Director of Public Works
A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM INTERLOCAL AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND MIAMI-DADE COUNTY.**

Town Clerk, Debra Eastman read the title of the resolution. Commissioner Steven Levine made a motion to adopt the resolution. The motion received a second from Vice Mayor Marc Imberman. Mayor Charles Burkett called for the vote and all were in favor.

**D. Water Main Replacement – Phase II and III
Fernando Rodriguez, Director of Public Works
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING WORK AUTHORIZATION WITH CALVIN, GIORDANO & ASSOCIATES, INC. FOR PHASE II AND PHASE III OF THE REPLACEMENT PROGRAM FOR THE WATER SUPPLY NETWORK; AUTHORIZING THE TOWN MANAGER AND**

**TOWN ATTORNEY TO EXECUTE ALL REQUIRED DOCUMENTATION;
PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk, Debra Eastman read the title of the resolution. Vice Mayor Marc Imberman made a motion to adopt the resolution. The motion received a second from Commissioner Steven Levine. Mayor Charles Burkett called for the vote and all were in favor.

6. Good and Welfare

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

Marta Olchyk stated concern with spending.

Paul Yavis spoke of the recent election and vendors used by the Town.

Robin Hopkins commented on the recent election.

Christian Moscona spoke of the recent election.

Litsa Kyrellis suggested the Town build a one story building and pool.

Alan Lipkowitz spoke of the recent election.

Commissioner Elizabeth Calderon made a motion to build a scaled-down version of the Community Center to include a pool, bathrooms, lifeguard station and a facility to include children's programming not to exceed the cost of 5 million dollars. The motion received a second from Commissioner Howard Weinberg.

Town Manager, Gary Word asked for Commission direction to provide for the additional 1.3 million dollars.

Commissioner Howard Weinberg and Commissioner Steven Levine requested to amend the motion to include the condition that the building be expandable. They requested that the building be capable of being expanded, not a knock down building, even if that led to the building being initially smaller. Commissioner Elizabeth Calderon agreed to the amendment. Commissioner Elizabeth Calderon also amended the motion to include the words "aquatic facility".

Town Attorney, Lynn Dannheisser explained that there are costs to building other than the price of the building itself.

Mayor Charles Burkett called for the vote and the motion passed 4-1 with Vice Mayor Marc Imberman voting in opposition.

Mark Blumstein asked about where the Commission will find the additional 1.3 million dollars for this proposal.

Elian Ramirez spoke of the open lot.

Richard Iacobacci requested that the Town repair the shower.

Joe Graubart spoke in support of the Town Manager to leave dollars in surplus.

7. Town Manager and Town Attorney Reports

8. Unfinished Business and New Business

Commissioner Steven Levine explained there was still one appointment outstanding for the 75th Anniversary Committee. Commissioner Steven Levine requested that the Town Clerk provide the Town Commission with any outstanding vacancies on Town Committees at each regular meeting.

9. Mayor, Commission and Staff Communications

A. Code Enforcement – Mayor Burkett

Mayor Charles Burkett requested that the Town enforce painting of buildings on Collins and Harding Avenues. Town Manager, Gary Word requested that specific addresses be provided.

Mayor Charles Burkett made a request to put regular articles back in the Gazette.

Commissioner Steven Levine spoke in opposition. Vice Mayor Marc Imberman spoke in opposition. Commissioner Elizabeth Calderon stated this would be costly.

Commissioner Howard Weinberg spoke in opposition.

Mayor Charles Burkett asked Tourist Bureau Director, Duncan Tavares to explain the Tourist Bureau tax and how the Tourist tax is budgeted.

B. Colors Town is Using – Mayor Burkett

Mayor Charles Burkett requested that the Town Commission receive information on the top four colors for the stamped asphalt crosswalks and the selected color information be added to the resolution documents

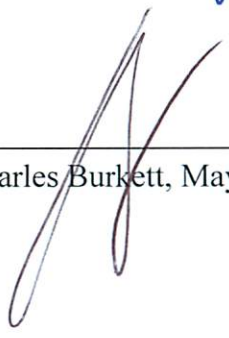
C. Dogs on the Beach – Mayor Burkett

Town Attorney, Lynn Dannheisser informed the Town Commission that it does not have the authority to allow dogs on the beach.

10. Adjournment

The meeting adjourned at 11 p.m.

Accepted this 11 day of Aug., 2009



Charles Burkett, Mayor

Attest:



Debra E. Eastman, MMC

Town Clerk